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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al,)

Defendants.)

- - - - -

THE VIDEOTAPED 30(b)(6)
DEPOSITION OF BENNY McCLURE, produced as a
witness on behalf of the Plaintiff in the above
styled and numbered cause, taken on the 15th day of
August, 2007, in the City of Fayetteville, County of
Washington, State of Arkansas, before me, Lisa A.
Steinmeyer, a Certified Shorthand Reporter, duly
certified under and by virtue of the laws of the
State of Oklahoma.

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918-587-2878

EXHIBIT

10

1 go one place as opposed to another?

2 A It would all depend on the scheduling that
3 particular week, the logistics that particular week.

4 Q So it doesn't -- certain houses located in a
5 certain vicinity to the Butterfield plant don't 09:39AM
6 always go to the Butterfield plant; they might
7 sometimes go to Springdale?

8 MR. GRAVES: Object to the form.

9 A Yes.

10 Q And it's possible then that some grow-out 09:39AM
11 facilities, grow-out barns that may be actually
12 closer to Springdale may on occasion -- that product
13 may be processed at the Butterfield processing
14 plant?

15 MR. GRAVES: Object to the form. 09:39AM

16 A That is correct.

17 Q Does George's have growing operations, company
18 operations within the IRW?

19 A Ask the question again.

20 Q Does George's, Inc., or its subsidiaries have 09:39AM
21 growing, like poultry barns, within the IRW today?

22 A Yes.

23 Q Okay, and has it had growing facilities,
24 poultry barns in the past?

25 A Yes. 09:40AM

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1 Q And when I say in the past, in the IRW; is
2 that correct?

3 A Correct.

4 Q Do you know when they first started having any
5 poultry barns for grow-out purposes for George's 09:40AM
6 within the IRW approximately?

7 A Approximately in the 1940's.

8 Q Does George's also have poultry barns located
9 outside the IRW?

10 MR. GRAVES: Object to the form. 09:40AM

11 A And to make sure I understand, you're
12 referring to contract --

13 Q Let me ask it. I'm trying to mean George's
14 company-owned or managed growing facilities, do they
15 have any of those outside of the IRW? 09:40AM

16 A Yes.

17 Q And have they had some in the past also?

18 A Yes.

19 Q And do you know for how long?

20 A Going back to the 1940 era. 09:41AM

21 Q Maybe I can ask it this way: Does George's,
22 Inc., have its own company-owned or managed poultry
23 barns in the state of Arkansas?

24 A Yes.

25 Q State of Oklahoma? 09:41AM

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1 A No.

2 Q State of Missouri?

3 A No.

4 Q Okay. State of Virginia?

5 A No. 09:41AM

6 Q The IRW -- the poultry barns located in the
7 IRW, does George's, Inc., own those facilities?

8 MR. GRAVES: Object to the form.

9 A George's, Inc., owns one farm in the Illinois
10 River watershed. 09:42AM

11 Q Okay, and is that a broiler farm?

12 A Yes.

13 Q Do you know the name of that farm?

14 A Morrison Farm.

15 Q Has it owned more than one farm in the past
16 within the IRW? 09:42AM

17 MR. GRAVES: Object to the form.

18 A That is the only farm that George's,
19 Incorporated, has owned in the watershed that I'm
20 aware of. 09:42AM

21 Q Okay. Has George's or any subsidiaries of
22 George's owned any other farms in the IRW now or in
23 the past?

24 A I'm not trying to dodge your question. I'm
25 trying to think of -- there are -- there are other 09:43AM

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1 farms that are managed by George's, Inc., that are
2 not owned by George's, Inc.

3 Q Can you give me an example of the names of --
4 do you know how many there are, managed farms?

5 A I could count them in my head but I believe 09:43AM
6 there are nine.

7 Q And those are all in the IRW?

8 A That are in the IRW.

9 Q Okay, and when you say it's a managed farm,
10 explain to me what that is. 09:43AM

11 A It is a farm that is owned -- it is a farm
12 that is owned by members of the George family or
13 LLC's that are associated with the family that the
14 company manages.

15 Q Is the name GBH, LLC, an example of that? 09:44AM

16 MR. GRAVES: Object to the form.

17 A That would be an example of that.

18 Q All right. Does the managed farms then have
19 an employee from George's oversee the day-to-day
20 operation of those farms? 09:44AM

21 MR. GRAVES: Object to the form.

22 A Yes.

23 Q Are each of those nine farms managed by a
24 different individual or does an individual have more
25 than one farm under his or her control? 09:45AM

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